

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ANGELA LYNNE MARTIN,	:	No. 4:15-CV-02034
Individually and as Administratrix of	:	
the ESTATE OF HOWARD	:	(Judge Brann)
EDWARD MARTIN, JR.,	:	
	:	
Plaintiff	:	
v.	:	
	:	
NORFOLK SOUTHERN RAILWAY	:	
COMPANY, TODD MICHAEL	:	
BUBNIS, JAMES ERNEST	:	
MOFFETT, and CLINTON TOWNSHIP,	:	
	:	
Defendants	:	(Filed Electronically)

## Stipulation

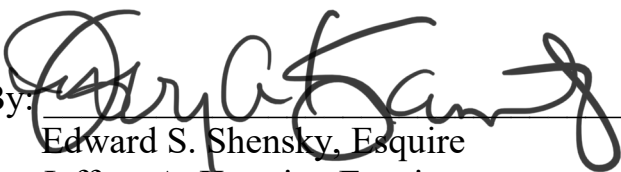
It is hereby stipulated to by and among Plaintiff, Angela L. Martin, by her counsel Edward S. Shensky, Esquire, and Jeffrey A. Krawitz, Esquire, and Defendants, Norfolk Southern Railway Company, Todd Bubnis and James Moffett by their counsel, Craig J. Staudenmaier, Esquire, and Clinton Township by its counsel, David MacMain, Esquire, for purposes of this action only, as follows:

1. The claims asserted by Plaintiff against Todd M. Bubnis and James E. Moffett are dismissed with prejudice upon the condition that Norfolk Southern will make Mr. Moffett, who is still an employee of Norfolk Southern, available for

trial and will use its best efforts to make Mr. Bubnis available, as he is no longer an employee, including providing plaintiffs' counsel with his last known address and contact information, should they choose to call him as a witness at trial;

2. Plaintiff will not assert at trial any claims against Norfolk Southern Railway Company related to or arising out of a claim for lack of advanced warning signs or pavement markings in accordance with the requirements of the MUTCD, specifically Sections 8B.04 and 8B.06. Further, Plaintiffs will not assert any claims against Norfolk Southern at trial related to the construction or maintenance of Brick Church Road; and

3. In consideration of the above stipulations, Norfolk Southern Railway Company and Clinton Township will withdraw with prejudice their respective crossclaims as to the other.

By:   
Edward S. Shensky, Esquire  
Jeffrey A. Krawitz, Esquire  
Stark & Stark, P.C.  
777 Township Line Road, Suite 120  
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*Counsel for Plaintiff*

Date: 4/29/2021

By: 

Date: 4/28/21

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200 North Third Street, 18<sup>th</sup> Floor  
Harrisburg, PA 17101  
*Counsel for Norfolk Southern Railway  
Company, Todd Bubnis and James  
Moffett, Defendants*

By: \_\_\_\_\_

Date: \_\_\_\_\_

David A. MacMain, Esquire  
MacMain, Connell & Leinhauser  
433 W. Market Street, Suite 200  
West Chester, PA 19382  
*Counsel for Clinton Township, Defendant*

APPROVED BY THE COURT:

\_\_\_\_\_  
Matthew W. Brann  
United States District Judge


By: \_\_\_\_\_

Date: \_\_\_\_\_

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Nauman, Smith, Shissler & Hall, LLP  
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Harrisburg, PA 17101  
*Counsel for Norfolk Southern Railway  
Company, Todd Bubnis and James  
Moffett, Defendants*

By: \_\_\_\_\_

Date: 4-29-21

  
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*Counsel for Clinton Township, Defendant*

APPROVED BY THE COURT:

\_\_\_\_\_  
Matthew W. Brann  
United States District Judge